

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA

DEREK CHABROWSKI,

No. C-12-4443 EMC

Plaintiff,

v.

**ORDER DENYING PLAINTIFF'S
MOTION FOR EXTENSION OF TIME**

CLIFFORD V. CRETAN,

(Docket No. 36)Defendant.

The Court is in receipt of Plaintiff's motion for an extension of time in which to file a first amended complaint. The Court hereby **DENIES** Plaintiff's motion as moot, as the Court has dismissed Plaintiff's entire complaint without leave to amend and entered judgment in this matter. The Court refers Plaintiff to the last paragraph of its order of February 25, 2013, in which it held that,

[a]s judicial immunity, the *Younger* abstention doctrine, and the *Rooker-Feldman* doctrine serve to bar this suit, the Court **GRANTS** Defendant's motion to dismiss and **DENIES** Plaintiff's application for a preliminary injunction and order to show cause. Because any attempt to plead around these doctrines would be futile, the dismissal is with prejudice. Although the Court indicated at the hearing in this matter that it intended to dismiss this case without prejudice and with leave to amend, upon further review it appears that any attempt to plead around these doctrines would be futile. Thus, the dismissal is with prejudice and without leave to amend. The Clerk shall enter judgment and close the file.


Order, Docket No. 34, at 4. Even if the Court had not determined that dismissal was futile and proceeded with its original intent to permit Plaintiff to file an amended complaint, Plaintiff's current motion for an extension would still be denied, as the Court indicated that Plaintiff would have thirty

1 days from the hearing date on Defendant's motion to dismiss, January 29, 2013, within which to file
2 an amended complaint, yet Plaintiff waited forty-one days to file the current motion for an extension
3 of time in which to file an amended complaint.

4 This order disposes of Docket No. 36.

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6 IT IS SO ORDERED.

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8 Dated: March 12, 2013

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11 EDWARD M. CHEN
12 United States District Judge
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